

## REMARKS

The Office Action of October 7, 2008 has been received and considered. Claims 1-36 are pending in this application. Claims 1 and 21 have been amended.

Support for the new limitations of claims 1 and 21 can be found at page 6, paragraph [26], first four lines; page 7, paragraph [29], first three lines; paragraph [30], first two lines; as well as Figs. 2 and 3.

Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

### **Section 112**

Claims 1-20 have been rejected under 35 U.S.C. § 112, first paragraph, on the ground the recitation "free of recesses" was not set forth in the application as originally filed.

Claim 1 has been amended remove the limitation reciting "free of recesses," and is now believed to be in proper form.

### **Section 102**

Claims 1-3, 5, 6, 9-11, 13, 19-25, 28, 29, 31, and 33 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,088,832 to Newman ("Newman"). This rejection is respectfully traversed.

Newman fails to disclose or make obvious an article of swimwear with a swimsuit body having at least one aperture and a resilient seal having a **first portion** secured about the at least one aperture **and a second portion** extending beyond the swimsuit body and configured to contact the user's body when the swimsuit body is worn by the user, as required by independent claims 1 and 21.

Newman discloses swimwear with a suction cup sealing strip 30 that has a plurality of suction cups 37 on its surface. Sealing strip 30 is entirely in contact only with the swimsuit

body, and has no portion extending beyond the body that would contact the user's body when the swimsuit is worn by a user.

For these reasons, the rejection is improper and should be withdrawn.

### **Section 103**

Claims 4, 7, 8, 12, 14-18, 26, 27, 30, 32, 34, and 35 have been rejected under 35 U.S.C. § 103(a) over Newman. This rejection is respectfully traversed.

For the reasons discussed above, Newman fails to disclose or make obvious each and every limitation of independent claims 1 and 21, from which claims 4, 7, 8, 12, 14-18, 26, 27, 30, 32, 34, and 35 depend. Accordingly, these claims are believed to be in form for allowance and the rejection should be withdrawn.

### **Conclusion**

It is respectfully submitted that the pending claims are in form for allowance. Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

Dated: November 13, 2008

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